

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SENSIENT TECHNOLOGIES
CORPORATION, et al.,

Plaintiffs,

vs.

SENSORYFLAVORS, INC., et al.,

Defendants.

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Case No. 4:08CV00336 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Sensient Technologies Corporation and Sensient Flavors LLC's ("Plaintiffs") Motion for Expedited Discovery [doc. #23]. A hearing was held on this matter on April 7, 2008.

Sensient Technologies Corporation and Sensient Flavors LLC (collectively, "Plaintiffs") have brought this action against SensoryFlavors, Inc., Performance Chemicals & Ingredients Co., Diehl Food Ingredients, Inc., and Highlander Partners, L.P. (collectively, "Defendants") alleging federal trademark infringement, unfair competition and false advertising under the Lanham Act, as well as common law trademark infringement and unfair competition, and trademark infringement and trademark dilution claims under Missouri law. The Court granted a temporary restraining order restraining SensoryFlavors, Inc. ("SensoryFlavors") and its servants, agents, employees, successors, assigns, and all others acting in privity or in concert with SensoryFlavors, from:

- a. using in any manner the SensoryFlavors name and logo or any related or derivative marks;
- b. using the Sensient marks, including but not limited to, Sensient Flavors, or any mark confusingly similar to the Sensient marks of any related or derivative marks, on or in connection with any unauthorized goods or services;

- c. disseminating, using or distributing any advertising or promotional materials, electronic or otherwise, that contain the SensoryFlavors name and logo, the Sensient marks, or any mark confusingly similar to the Sensient marks;
- d. disseminating, using or distributing any advertising or promotional materials, electronic or otherwise, that state or imply that SensoryFlavors is an authorized distributor of or are otherwise connected to Sensient;
- e. using the SensoryFlavors name and logo, the Sensient marks, or any mark confusingly similar to the Sensient marks in any other manner likely to cause confusion, mistake or deception as to the source or sponsorship of SensoryFlavors' goods or services;
- f. holding themselves, and/or any business they are connected with, out to the public as being authorized by Sensient, or as being affiliated with or sponsored by Sensient in any manner, or committing any acts likely to imply such a relationship or affiliation;
- g. passing off their products and services as originating with or sponsored or authorized by Sensient;
- h. using and/or operating the URL, www.sensoryflavors.com;
- i. further diluting the distinctive value of the Sensient marks; and
- j. using or disseminating an false or misleading statements as to the nature, qualify, or characteristics of SensoryFlavors goods and services.

The preliminary injunction hearing is set for Thursday, April 10, 2008 at 10:30 a.m.


Plaintiffs have filed the pending motion seeking expedited discovery before the preliminary injunction hearing. The Court finds that the discovery Plaintiffs seek is unnecessary for the purposes of a preliminary injunction hearing, and will deny Plaintiffs' request.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Expedited Discovery [doc. #23] is **DENIED**.

IT IS FURTHER ORDERED that the preliminary injunction hearing will be held on **April 10, 2008** at **10:30 a.m.**

Dated this 8th Day of April, 2008.


E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE